

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DANE BURCH,

Plaintiff,

v.

ANTHONY PHIFER, LATONYA
CLARK, ANTHONY PHIFERJR.,
MARTHA SMITH, ALL OTHER
OCCUPANTS OF 5804 GRAMPAN
COVE AUSTIN, TX 78754,

Defendants.

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CIVIL NO. A-25-CV-00373-ADA

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Mark Lane. ECF No. 8. The report recommends that the Court remand the case for lack of subject matter jurisdiction. The Report and Recommendation was filed on March 28, 2025.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen¹ days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds* by *Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

¹ A party proceeding pro se who is served with the report and recommendation by mail has three additional days added to the fourteen-day period, meaning that party has seventeen days from the date the report and recommendation was mailed to serve and file objections. Fed. R. Civ. P. 6(d). If the last day of that prescribed period falls on a Saturday, Sunday, or legal holiday, then the deadline is extended until the end of the next day that is not a Saturday, Sunday, or legal holiday. Fed. R. Civ. P. 6(a)(1)(C).

Here, Defendant filed a “Motion for a Hearing to Determine Jurisdictional Authority.” ECF No. 15. The Court, interpreting this filing with the leniency granted to *pro se* litigants, treats Defendant’s “Motion” as his objections. However, Defendant’s objections are merely frivolous, conclusive, or general. Regardless, having reviewed the report and recommendation *de novo*, the Court finds that the Magistrate Judge’s findings and recommendation should be adopted.

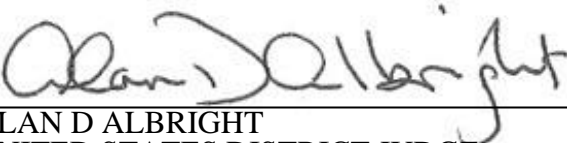
IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Lane (ECF No. 8) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant’s objections are **OVERRULED**.

IT IS FURTHER ORDERED that this case be **REMANDED** for lack of subject matter jurisdiction.

IT IS FINALLY ORDERED that all other pending motions are **DENIED AS MOOT** and the Clerk of Court is directed to close this case.

SIGNED this 22nd day of April, 2025.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE